

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 28, 2002

APPLICATION OF

WINSTAR OF VIRGINIA, LLC

CASE NO. PUC-2002-00010

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On January 29, 2002, Winstar of Virginia, LLC ("Winstar" or the "Company"), filed an application for certificates of public convenience and necessity with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia and sought interim operating authority to continue to provide service to then current customers of Winstar Wireless of Virginia, LLC ("Old Winstar").¹

¹ By Commission Order dated June 3, 1999, in Case No. PUC-1999-00013, Winstar Wireless of Virginia, LLC, was granted Certificate No. T-374a to provide

Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, e.g., PUE010663 to the following: PUE-2001-00663.

By Order dated February 25, 2002, the Commission directed the Company to provide notice to the public of its application and directed the Commission Staff to conduct an investigation and file a Staff Report. The Commission also granted the requested interim operating authority in the February 25, 2002, Order. On April 17, 2002, the Company filed proof of publication and proof of service as required by the February 25, 2002, Order.

On April 12, 2002, Verizon Virginia Inc. ("Verizon Virginia") filed comments in this case. Verizon Virginia's comments requested that the Commission condition approval of Winstar's application upon Winstar taking assignment of the facilities and services provided by Verizon Virginia to Old Winstar. On April 25, 2002, the Commission issued an Order Amending Procedural Schedule that directed Winstar to file a response to the comments filed by Verizon Virginia on or before May 13, 2002. Winstar filed its reply comments on May 13, 2002. The Staff is aware that Verizon Communications Inc., on behalf of its operating telephone company subsidiaries including

local exchange telecommunications services and Certificate No. TT-32B to provide interexchange telecommunications services throughout the Commonwealth of Virginia. On January 29, 2002, Winstar Wireless of Virginia, LLC, and Winstar filed a joint application for transfer of the core domestic telecommunications assets to Winstar (Case No. PUA-2002-00030). Since the proposed transfer would not transfer Certificate Nos. T-374a and TT-32B from Winstar Wireless of Virginia, LLC, to Winstar, Winstar has filed this application.

Verizon Virginia, and Winstar Holdings LLC, on behalf of Winstar, are pursuing mediation on the issues raised in Verizon Virginia's comments filed in this case. Since the issues raised by Verizon Virginia are being addressed at the District Court, we will not address those issues in this case.

On June 3, 2002, the Staff filed its Report finding that Winstar's application was in compliance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") and the Rules Governing the Certification of Interexchange Carriers ("IXC Rules"). Based upon its review of Winstar's application, the Staff determined it would be appropriate to grant the Company certificates to provide local exchange and interexchange telecommunications services subject to the following condition: should Winstar collect customer deposits, it shall establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association or savings bank, or credit union that is unaffiliated with the Company and shall notify the Division of Economics and Finance of the escrow arrangement and any subsequent change. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the Staff or Commission determines it is no longer necessary. Additionally, the Commission wishes to impress upon Winstar its duty as a certificated entity to

respond to Staff inquiries and to timely provide data required by Commission Rules.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that the Company should be granted certificates to provide local exchange and interexchange telecommunications services. Having considered § 56-481.1, the Commission further finds that the Company may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) Winstar is hereby granted a certificate of public convenience and necessity, No. TT-179A, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) Winstar is hereby granted a certificate of public convenience and necessity, No. T-588, to provide local exchange telecommunications services subject to the restrictions set forth in the Rules Governing the Offering of Competitive Local Exchange Telephone Service, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Pursuant to § 56-481.1 of the Code of Virginia, the Company may price its interexchange telecommunications services competitively.

(4) The Company, in its own name, shall provide tariffs to the Division of Communications that conform to all applicable Commission rules and regulations within sixty (60) days.

(5) Should Winstar collect customer deposits, it shall establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association or savings bank, or credit union that is unaffiliated with the Company and shall notify the Division of Economics and Finance of the escrow arrangement and any subsequent change. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the Staff or Commission determines it is no longer necessary.

(6) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.